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09/296,452	04/21/1999	TIMO BRUCK	WEB-340	8411

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EXAMINER

HUYNH, SON P

ART UNIT PAPER NUMBER

2611

DATE MAILED: 01/20/2004

20

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/296,452

**Applicant(s)**

BRUCK ET AL.

**Examiner**

Son P Huynh

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 58-104 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 58-104 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 58-104 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

2. Claims 88-91 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 88-91 depend on claims 10 and 27, which have been cancelled.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 58-67, 71-81, 85-87 and 92-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schindler (US 6,081,830) in view of Stautner et al. (US 6,600,503).

Regarding claim 58, Schindler discloses a system wherein the pointing device 14 permits the control of the screen pointer provided by the graphic user interface of operating system. Computer 10 of computer system 7 detects has running thereon communication software having chat room capability. If the pointing device controls the tuner to switch to a new channel, identification code for a program currently on the channel is sent to a server. The server then links the computer to a chat room for the program corresponding to the identification code. This enables the user to virtually chat with other users watching the same program. The video program and chat content are simultaneously displayed on screen 38 (figures 1-3 and col. 1, line 65-col. 2, line 20). Thus, Schindler teaches a client system (5, 7 and 9- figure 1) comprising display for simultaneously showing video programs received from one or more video sources (TV input) and chat communication corresponding to the received video programs, wherein the client system is capable of connecting to one or more host servers of one or more service provider and one or more of chat servers (20) offering chat rooms the method comprising:

receiving a video program from a video source ( TV input- figure 1);

displaying the video program at the client system (display XYZ program- figure 3);

receiving chat link data from the service provider (receiving identification code);

sending a chat request to a host server (sending identification code to server 20);  
receiving a chat room identifier from the host server that identifies the available chat room associated with the video program and a chat server (receiving identification code for program currently on the channel);  
automatically connecting the client system with the chat room that is associated with the video program using the chat room identifier received from the host server (link computer 5, 7, 9 to a chat room for program corresponding to the identification code).  
However, Schindler does not specifically show the chat link data indicating that the client system may display a user selectable chat link for connecting to a chat room that is associated with the video program; displaying the chat link simultaneously with the video program; and sending a chat request to a host server upon receiving user selection of the chat link.

Stautner teaches receiving chat link data from service provider indicating that the client system may display a user selectable chat link (30 –figures 2-3) for connecting to a chat room that is associated with the video program (ABC evening news – figure 3); displaying the user selectable chat link simultaneously with the video program (icons-figure 3); upon receiving user selection of the chat link, sending a chat request to a host server (figures 2-3 and col. 7, lines 26-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schindler to use the teaching as taught by Stautner in order to allow user to control access to the chat session.

Regarding claim 59, Schindler teaches the host and chat servers are the same server (server 20, figure 1).

Regarding claim 60, Schindler teaches the video program and the chat link data (identification code) are received in a signal broadcast from the video source (TV input - see col. 1, line 65-col. 2, line 4).

Regarding claim 61, Schindler teaches the video program is displayed in a video region (40) of the display and text communications are displayed in a chat region (52) of the display (see figure 3).

Regarding claim 62, Schindler teaches the chat region of the display is adjacent the video region of the display (see figure 3).

Regarding claim 63, Schindler in view of Stautner teaches a method as discussed in the rejection of claim 61. However, neither Schindler nor Stautner explicitly discloses the chat region of display overlies the video region of the display. Official Notice is taken that overlaying chat region over video region is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify Schindler and Stautner to use the well-known teaching in the art in order to enlarge video region and chat region on the screen.

Regarding claim 64, Schindler teaches a chat user interface displayed in the chat region is customized based on one or more of (i) an episode of a television series included in the video program, (ii) a television series corresponding to the video program, (iii) a television network affiliate providing the video program, and (iv) a network providing the video program (XYZ program- figure 3).

Regarding claim 65, Schindler teaches an identifying characteristic (XYZ) of the video program is displayed outside of the video region of the display (see figure 3).

Regarding claim 66, Schindler teaches the identifying characteristic identifies an episode of a television series included in the video program (figure 3).

Regarding claim 67, Schindler teaches an identifying characteristic identifies a television series corresponding to the video program (figure 3).

Regarding claim 71, Schindler in view of Stautner teaches a method as discussed in the rejection of claim 58. Schindler further teaches the method comprising the steps of: determining an identifying characteristic of the video signal; and defining a user interface for display of the text communication, the user interface being configured to reflect the identifying characteristic of the video signal (see col. 6, lines 9- 43 or figure 2).

Regarding claim 72, Schindler teaches the user interface includes a predefined chat region for display of the text communication (region 52-figure 3).

Regarding claims 73-81 and 85-86, the claims are directed toward embody the method of claims 58-67, 71-72 in a "computer program product." It would have been obvious to one of ordinary skill in the art to embody the procedures of Schindler in view of Stautner as discussed with respect to claims 58-67, 71-72 in a "computer program product" in order that a processor could automatically perform the instructions.

Regarding claim 87, Schindler teaches the user interface includes a predetermined video region 40 for display of the video program XYZ (figure 3).

Regarding claim 92, Schindler in view of Stautner teaches a method as discussed in the rejection of claim 58. Schindler further discloses the video program has a beginning and an end (for example, "Talk show: Politics" begins at 7:30 P. M and ends at 8:30 P.M – figure 2). However, neither Schindler nor Stautner explicitly discloses displaying a new chat link with the video program, and prior to the end of the video program, the new chat link linking to new chat room that is associated with a different video program. Official Notice is taken that providing multiple interactive links in video program wherein each link connects to different source is well known in the art. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Schindler



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and Stautner to use the well known teaching in the art in order allow viewer to link to different source while watching program.

Regarding claim 93, Schindler in view of Stautner teaches a method as discussed in the rejection of claim 58. However, neither Schindler nor Stautner explicitly discloses chat room is maintained by the chat server only until the user leaves the chat room, wherein the user is determined to be a last participant to leave the chat room. Official Notice is taken that chat room is maintained only until the last user leaves the chat room is well known in the art. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Schindler and Stautner to use the well known teaching in the art in order to reduce maintenance cost of chat room.

5. Claims 68-70, 82-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schindler (US 6,081,830) in view of Stautner et al. (6,600, 505), and further in view of Knudson et al. (US 6,526,577).

Regarding claim 68, Schindler in view of Stautner teaches a method as discussed in the rejection of claim 65. Schindler discloses the identifying characteristic identifies a television network affiliate providing the video signal; and the identifying characteristic identifies a television network providing the video signal (see col. 4, lines 12-24). However, neither Schindler nor Stautner explicitly discloses displaying identifying

characteristic identifies a television network affiliate providing the video program outside of the video region of the display.

Knudson teaches identifying characteristic (program information screen) identifies a television network affiliate providing the video program is displayed outside video region (see figure 12). Therefore, it would have been obvious to one of ordinary skill in the art to modify Schindler and Stautner to use the teaching as taught by Knudson in order to provide video program without overlay on video region thereby allow viewer to view video program easily.

Regarding claim 69, Schindler in view of Stautner teaches a method as discussed in the rejection of claim 65. Schindler discloses the identifying characteristic identifies a television network providing the video signal (see col. 4, lines 12-24). However, neither Schindler nor Stautner explicitly discloses displaying identifying characteristic identifies television network providing the video program outside of the video region of the display.

Knudson teaches identifying characteristic (program information screen) identifies a television network providing the video program is displayed outside video region (see figure 12). Therefore, it would have been obvious to one of ordinary skill in the art to modify Schindler and Stautner to use the teaching as taught by Knudson in order to

provide video program without overlay on video region thereby allow viewer to view video program easily.

Regarding claim 70, Schindler in view of Stautner teaches a method as discussed in the rejection of claim 65. However, neither Schindler nor Stautner specifically discloses the identifying characteristic includes a background underlying other displayed data.

Knudson teaches the identifying characteristic includes a background underlying other displayed data (see figure 17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schindler and Stautner to use the teaching as taught by Knudson in order to improve user interface display.

Regarding claims 82-84, the claims are directed toward embody the method of claims 68-70 in a "computer program product." It would have been obvious to one of ordinary skill in the art to embody the procedures of Schindler in view of Stautner and Knudson as discussed with respect to claims 68-70 in a "computer program product" in order that a processor could automatically perform the instructions.

6. Claims 94-104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schindler (US 6,081,830) in view of Stautner et al. (US 6,600,503), and further in view of Schultheiss et al. (US 6,545,722).

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Regarding claim 58, Schindler discloses a system wherein the pointing device 14 permits the control of the screen pointer provided by the graphic user interface of operating system. Computer 10 of computer system 7 detects has running thereon communication software having chat room capability. If the pointing device controls the tuner to switch to a new channel, identification code for a program currently on the channel is sent to a server. The server then links the computer to a chat room for the program corresponding to the identification code. This enables the user to virtually chat with other users watching the same program. The video program and chat content are simultaneously displayed on screen 38 (figures 1-3 and col. 1, line 65-col. 2, line 20). Thus, Schindler teaches a client system (5, 7 and 9- figure 1) comprising display for simultaneously showing video programs received from one or more video sources (TV input) and chat communication corresponding to the received video programs, wherein the client system is capable of connecting to one or more host servers of one or more service provider and one or more of chat servers (20) offering chat rooms the method comprising:

- receiving a video program from a video source ( TV input- figure 1);
- displaying the video program at the client system (display XYZ program- figure 3);
- receiving chat link data from the service provider (receiving identification code);
- sending a chat request to a host server (sending identification code to server 20);
- receiving a chat room identifier from the host server that identifies the available chat room associated with the video program and a chat server (receiving identification code for program currently on the channel);

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automatically connecting the client system with the chat room that is associated with the video program using the chat room identifier received from the host server (link computer 5, 7, 9 to a chat room for program corresponding to the identification code). However, Schindler does not specifically show the chat link data indicating that the client system may display a user selectable chat link for connecting to a chat room that is associated with the video program; displaying the chat link simultaneously with the video program; sending a chat request to a host server upon receiving user selection of the chat link; receiving user interface template identifying characteristic with the video program that identifies one of plurality of distinct user interface templates available at the client system, each of which defines at least a video region for displaying the video program and a chat region for displaying text communication; and displaying any received or sent chat communication based on the identified user interface template.

Stautner teaches receiving chat link data from service provider indicating that the client system may display a user selectable chat link (30 –figures 2-3) for connecting to a chat room that is associated with the video program (ABC evening news – figure 3); displaying the user selectable chat link simultaneously with the video program (icons-figure 3); upon receiving user selection of the chat link, sending a chat request to a host server (figures 2-3 and col. 7, lines 26-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schindler to use the teaching as taught by Stautner in order to allow user to control access to the chat session. However, neither Schindler nor Stautner explicitly discloses receiving user

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interface template identifying characteristic with the video program that identifies one of plurality of distinct user interface templates available at the client system, each of which defines at least a video region for displaying the video program and a chat region for displaying text communication; and displaying any received or sent chat communication based on the identified user interface template.

Schultheiss teaches receiving user interface template identifying characteristic with the video program that identifies one of plurality of distinct user interface templates available at the client system, each of which defines at least a video region for displaying the video program and a chat region for displaying text communication; and displaying any received or sent chat communication based on the identified user interface template (set top box receives the user commands from the wireless remote control 103 via the communication link 110. The set top box 100 controls the display of information on the TV 115 in response to the user commands – see col 5, line 14+ and figures 6-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schindler and Stautner to use the teaching as taught by Schultheiss in order to allow user to control the display on the screen.

Regarding claims 95-98, the limitations as claimed corresponding the limitations of claims 59-61 and 64 and are analyzed as discussed with respect to the rejection of claims 59-61 and 64.

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Regarding claims 99-104, the claims are directed toward embody the method of claims 94-97 and 92-93 in a "computer program product." It would have been obvious to one of ordinary skill in the art to embody the procedures of Schindler in view of Stautner and Knudson as discussed with respect to claims 94-97 and 92-93 in a "computer program product" in order that a processor could automatically perform the instructions.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matthews (WO 98/53611) discloses transmission and reception of television program.

Harada et al (US 6,434,604) teaches chat system allows user to select balloon form and background color for displaying chat statement data.

Portuesi (US 5,774,666) teaches system and method for displaying uniform network resource locators embedded in time based medium.

Falciglia (US 5,971,849) teaches computer based system and method for playing a poker link game.


White et al. (US 6,628,302) teaches interactive video programming methods.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer office service whose telephone number is 703-306-0377.

Son P. Huynh  
January 6, 2004



**VIVEK SRIVASTAVA**  
**PRIMARY EXAMINER**